

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
**Nashville, Tennessee**

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T.R.A. DOCKET ROOM

In Re: *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to Concord EFS*

Docket No. 03-00375

**PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to rules adopted by the FCC for challenging determinations of the Number Pooling Administrator ("NeuStar"), petitions the Tennessee Regulatory Authority (the "Authority") for an expedited review of NeuStar's denial of BellSouth's application for use of central office code numbering resources in the 901 area code.

BellSouth respectfully shows the Authority as follows:

1. BellSouth is a telecommunications public utility regulated by the Authority providing intraLATA, local exchange telecommunications services in the Memphis Rate Center.
2. NeuStar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP"). See C.F.R. § 52.13(a), (b).
3. On March 31, 2000, the Federal Communications Commission issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket

No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 ("FCC 00-429" or the "December Order"). These FCC orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the NANP.

5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months of the application. Prior to this ruling, the Central Office Code Assignment Guidelines, used by the industry and NeuStar to make code assignments, required the applicant's existing number inventory within the applicant's serving switch to exhaust within six months of the code application in order for a code to be assigned.

6. This shift to a "rate center" basis for determining the need for new numbering resources was intended to "more accurately reflect how numbering resources are assigned" and to allow "carriers to obtain numbering resources in response to specific customer demands." FCC Order ¶105. BellSouth has sought reconsideration of the above-described MTE rule before the FCC on two separate occasions. On December 28, 2001, the FCC entered an order retaining the rules requiring carriers to calculate MTE on a rate center basis rather than on a per-switch

basis. *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*, CC Docket Nos. 99-200, 96-98 and 95-116, *Third Report and Order* and *Second Order on Reconsideration* in CC Docket No. 99-200, FCC 01-362, Paragraph 48 (rel. Dec. 28, 2001).

7. On or about March 31, 2003, BellSouth submitted a Central Office Code (NXX) Assignment Request - Part 1, and the CO Code Assignment - Months to Exhaust Certification Worksheet, to NeuStar to be assigned an NXX code necessary to meet the demands of its customer, Concord EFS. The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.

8. The code assignment request was for a growth code in the 901 NPA , in response to Concord EFS request for 10,000 numbers. Concord EFS cited business consolidation and relocation as its basis for this request. However, BellSouth did not have sufficient number resources available within its inventory in the Memphis Rate Center, and, accordingly, BellSouth was unable to provide Concord EFS with sufficient numbers to meet its needs. For this reason, BellSouth sought the numbering resources as noted above.

9. BellSouth completed the applications in accordance with NeuStar's Central Office Code (NXX) Assignment Guidelines and completed the necessary Months to Exhaust Certification Worksheet required by NeuStar.

10. At the time of the code request, the Memphis rate center had an MTE of approximately 101 months.

11. Despite the fact that BellSouth's Memphis rate center may not exhaust for 101 months, BellSouth is unable to provide the requested service through its switch that

serves Concord EFS within the Memphis rate center. This is because the individual switch that serves this customer within the Memphis rate center does not have sufficient number resources to meet the customer's request.

12. On or about March 31, 2003, NeuStar's Central Office Code Administration denied the code assignment request on the grounds that BellSouth had not met the rate center based months-to-exhaust criteria now set forth in the Central Office Code (NXX) Guidelines, notwithstanding the fact that BellSouth does not have the numbering resources needed to satisfy its customers' demands in the switch at issue. That decision is attached hereto as Exhibit "C."

13. BellSouth's inability to provide this large business customer with the requested numbers within the same NXX prevents BellSouth from providing the quality of service this customer desires and expects. (Correspondence from Concord EFS is attached as Exhibit "D").

14. Relief for the NPA was implemented with the start of mandatory dialing for the 731 NPA on September 17, 2001. The Authority also ordered thousands-block pooling for the 901 NPA with a Pool Start Date of June 10, 2002. According to NeuStar, based on the 2002 NRUF and NPA Exhaust Analysis - June 5, 2002, the projected exhaust date of the 901 NPA is the Second Quarter of 2010. Therefore, granting BellSouth's request for numbering resources would not materially impact exhaustion of available numbers in the Memphis NPA.

15. Both FCC 00-104 and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. See FCC 00-104, Appendix A, Final Rules, § 52.15(g) (3) (iv) ("The carrier may challenge the NeuStar's

decision to the appropriate state regulatory commission"); NeuStar Central Office Code (NXX) Guidelines § 13.0 ("Appeals may include but are not limited to one or more of the following options: . . . C. The CO Code Administrator(s) and code holders/applicants may pursue the disagreement with the appropriate governmental/regulatory body").

16. The TRA has recognized its jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs. The TRA has, for example, ordered NeuStar to provide BellSouth with numbering resources to meet the service requirements of the University of Tennessee, even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to University of Tennessee - Chattanooga* (approved by the Directors on November 20, 2001 by a vote of 3-0) (see correspondence from TRA Executive Secretary, dated November 29, 2001, attached as Exhibit "E").

17. Similarly, state regulatory agencies in both North Carolina and Florida also have recognized their jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs. The North Carolina Utilities Commission has ordered NeuStar to provide BellSouth numbering resources needed to meet the service requirements of Guilford County Government and Corning, Inc., even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. See *In the Matter of Petition of BellSouth Telecommunications, Inc. for Review of NeuStar Denial of Application for Numbering Resources*, Docket No. P-55, Sub 1268, Order Ruling on the BellSouth Petition (attached as Exhibit "F"). Similarly, on May 1, 2001, the Florida Public Service Commission voted to accept the recommendation of its staff that NeuStar should be ordered to release numbering

resources to BellSouth in order to enable BellSouth to meet the needs of a customer requesting 2500 numbers, even though BellSouth could not satisfy the months-to-exhaust criteria. See Staff Recommendation Re: Docket No. 010309-TL – *Petition by BellSouth Telecommunications, Inc. for an Expedited Review of the NeuStar Denial of a Central Office Code for the Orlando Magnolia Switch* (attached as Exhibit "G").

18. In reviewing previous petitions of this type, the TRA Staff has requested that BellSouth provide additional information concerning number utilization for the specific central office involved in the request. This information for the Memphis Main Central Office is attached hereto as Exhibit "H."

19. The Authority, and not the FCC, is the most appropriate body to address this appeal. As noted above, the Authority has been granted jurisdiction to hear appeals from NeuStar's decisions regarding numbering resources. Any jurisdiction of the FCC to do the same is merely concurrent with the jurisdiction of the Authority. BellSouth believes that the Authority can more quickly address the numbering problem facing Concord EFS and BellSouth, and, because time is of the essence to the customer, BellSouth believes it is appropriate to pursue this matter in the forum that can most quickly address the issue.

20. Under earlier months-to-exhaust procedures used by NeuStar, waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NeuStar looks at the number of months-to-exhaust for the entire rate center without any exceptions. The current process for review is arbitrary and results in decisions contrary to the public interest and decisions that do not necessarily preserve the efficient use of

telephone numbers or postpone dates of exhaust. Moreover, the denial of sufficient numbering resources to BellSouth to meet Concord EFS's request is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at ¶ 61. By refusing to grant numbering resources sufficient to meet Concord EFS needs, the NeuStar is preventing Concord EFS from obtaining the service of its choice from its carrier of choice, BellSouth.

21. Notwithstanding customer need for a specific numbering arrangement, BellSouth's analysis indicates that BellSouth will be unable to meet the six-months-to-exhaust threshold at the rate center level in time to obtain adequate numbering resources to serve this customer absent relief from the Authority. This situation will result in BellSouth's inability to respond to its customer's needs for specific numbering resources.

### **CONCLUSION**

For the reasons articulated above, BellSouth respectfully urges the Authority to direct the NeuStar to provide the requested numbers to BellSouth to enable BellSouth to meet the specific requirements of Concord EFS in order that Concord EFS may receive the service of its choice from the provider of its choice to meet its telecommunications needs.

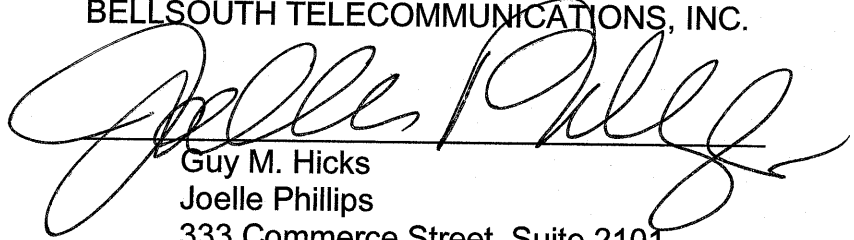
WHEREFORE, BellSouth requests:

1. The Authority review the decision of the NeuStar to deny BellSouth's request for additional numbering resources; and

2. The Authority direct the NeuStar to provide numbers to BellSouth to meet the specific requirements of Concord EFS in the Memphis rate center within the 901 NPA.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

A large, stylized handwritten signature in black ink, which appears to read "Guy M. Hicks". The signature is written over a horizontal line.

Guy M. Hicks  
Joelle Phillips  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
(615) 214-6311

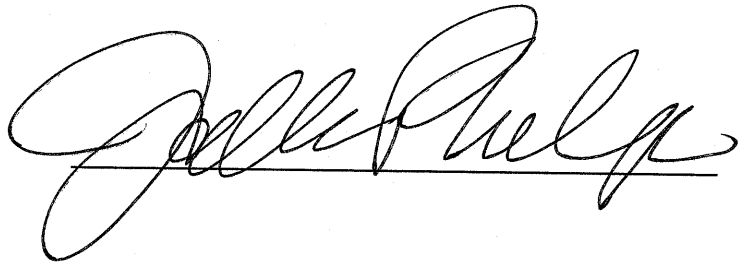


### CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ U.S. Mail
- ☐ Facsimile
- ☐ Overnight Mail
- ☐ Electronic Mail

Ms. Cheryl Dixon  
Senior Code Administrator  
Number Pooling Administrator  
1800 Sutter Street, Suite 570  
Concord, California 94520

A handwritten signature in black ink, appearing to read "John P. Phelps", is written over a horizontal line.

Pooling Administration System - Microsoft Internet Explorer

Address: https://www.nationalpooling.com/pas/frames-index.jsp

### Pooling Administration System

spoe (SP) Sign Out

#### Request Resources

State: TENNESSEE  
NPA: 901  
Rate Center: MEMPHIS  
OCN: 9419-BELLSOUTH SO CNTL  
Type of Application: Application for a full NXX for a Dedicated Customer

Continue Cancel

NOTE:  
If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

Question? E-mail us  
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Address: https://www.nationalpooling.com/pas/frames-index.jsp

### Pooling Administration System

spoe (SP) Sign Out

#### Request Full NXX (Dedicated Customer)

Do you already have a blockcode in this rate center? ☒ Yes ☐ No  
Will all blocks be activated on the same switch? ☒ Yes ☐ No

Back Continue Cancel

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## Pooling Administration System

Sign Out

**Months to Exhaust and Utilization Certification Worksheet - TN Level**

Date **Monday, March 31, 2003**  
OCN **9419**  
Company Name  
Rate Center **MEMPHIS**

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)

901 213-0-5,9, 266,371,372,373,377,379,  
380,381,382,383,384,385,386,387,388,580,937743,744,745,320,321,323,324,325,327,4  
52,454,458,515-2,226,374,415-  
2,3,6,7,419,537,680,681,682,683,684,685,761,762,762,763,765,766,767,818,820,821,  
353,354 0-3,5-  
9,357,358,309,434,522,624,737,751,752,753,754,755,756,757,758,759,747 0-  
7,9,521,522 0-4,7-9,523,524,525,526,527,528,529 0-6,8-9,531 0-1,3,5,9,572 0,2-  
9,575,576,577,578,579,272,274,276,278,516,721,722,725,726 0-2,4-  
9,728,729,224,360,362,363,365,366,367,368,369,370,375,433,541,542,546,547,565,56  
6,794,795,797,332,344,345,346,348,395 0-8,396,397,398,399 1-3,5-

Name of Block Applicant **Ms Sharon Poer**  
Title **NETWORK MANAGER**  
Telephone Number **(205) 977-3015**  
Fax Number **(205) 977-3013**  
E-Mail **sharon.poe2@bellsouth.com**

A. Available Numbers \*   
B. Assigned Numbers \*   
C. Total Numbering Resources \*   
D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation \*

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## Pooling Administration System

Sign Out

**LIST excluded Code(s) or Block(s)**

E. Growth History - Previous 6 months<sup>2\*</sup>

Month 1	<input type="text" value="375"/>	Month 2	<input type="text" value="1187"/>
Month 3	<input type="text" value="1756"/>	Month 4	<input type="text" value="346"/>
Month 5	<input type="text" value="696"/>	Month 6	<input type="text" value="117"/>

F. Forecast - Next 12 months<sup>3\*</sup>

Month 1	<input type="text" value="746"/>	Month 2	<input type="text" value="746"/>
Month 3	<input type="text" value="10746"/>	Month 4	<input type="text" value="746"/>
Month 5	<input type="text" value="746"/>	Month 6	<input type="text" value="746"/>
Month 7	<input type="text" value="746"/>	Month 8	<input type="text" value="746"/>
Month 9	<input type="text" value="746"/>	Month 10	<input type="text" value="746"/>
Month 11	<input type="text" value="746"/>	Month 12	<input type="text" value="746"/>


G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6)

**2412.667**

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- Request For Resources
  - Request
  - Modify
  - Disconnect
  - Block Transfer
- Confirm Block(s) in Service (Part 4)
- Search Forms
- Submit Forecast
  - Create/Modify Forecast
- User Profile
- Donate Blocks
- Reports

Month 9	746	Month 10	746
Month 11	746	Month 12	746

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 2412.667

H. Months to Exhaust<sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested	A. Available Numbers	H. Months to Exhaust
1	244980	101.539

I. Utilization<sup>5</sup> (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) \* 100 76.119

Explanation

dedicated code request for concord efs

- A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
- Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
- Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
- To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(ii)).
- Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii)).

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Done Internet

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Back Forward Stop Refresh Home Search Favorites History Mail Print Edit Discuss

Address <https://www.nationalpooling.com/pas/frames-index.jsp> Go



Request For Resources

- Modify
- Disconnect
- Block Transfer

Confirm Block(s) in Service (Part 4)

Search Forms

Submit Forecast

- Create/Modify Forecast

User Profile

Donate Blocks

Reports

Question? E-mail us  
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## Pooling Administration System

spoeer (SP) Sign Out

### Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Based on the information provided, you will not exhaust all blocks in the requested NXX in 6 months.

**Select One Option and Submit**

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option

Submit Cancel

Done Internet



2525 Horizon Lake Drive Suite 120  
Memphis, TN 38133  
(901) 371-8003

January 27, 2003

Betsy Pipkin  
BellSouth Business  
6066 Primacy Parkway Suite 200  
Memphis, TN 38119

Dear Betsy Pipkin,

**Subject: Request for 10,000 Consecutive Telephone Numbers**

Our company is moving to a new location in June of 2003. We process approximately twenty nine million electronic credit card and ATM transactions every day. We are consolidating twelve separate facilities into one. We are also relocating all administrative functions currently performed in other areas of the country to our new facility in Cordova, TN. Obviously, this requires an enormous amount of bandwidth and telephone numbers. I would like to request a contiguous block of direct inward dialing telephone numbers for this new facility. We currently employ approximately 2,800 employees. That number is expected to grow rapidly. We also have approximately 1,500 dial backup modems. This too is expected to grow at the same rate. This new facility is also to serve as our disaster recovery site for all other locations in the country. This will also require many direct inward dialing extensions. We estimate this to total 2,500 extensions. We estimate the immediate requirement of DID telephone numbers is 6,800. Our future requirements are estimated to not exceed 3,200. The dialing plan in our pbx for this location requires that the NXX end in a 1. We have 5 digit extensions in our private network. We prefer that the first leading digit of the DID match the first digit in the extension. Example: One of our existing DIDs is (901) 371-8003 or ext. 18003. Your prompt attention to this matter would be greatly appreciated.

Sincerely,

Randall C. Tucker  
Director of Telecommunications  
Concord EFS  
[randyt@efsnb.com](mailto:randyt@efsnb.com)  
(901) 371-8003 Voice/FAX

Concord EFS, Inc.

American Bankcard  
International, Inc.

BUYPASS Corporation

Concord Computing Corporation

EFS National Bank

MONEY ACCESS SERVICE INC.

Pay Systems of America, Inc.



## TENNESSEE REGULATORY AUTHORITY



Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director

460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

November 29, 2001

Ms. Cheryl Dixon  
Senior Code Administrator  
1800 Sutter Street  
Suite: 570  
Concord, CA 94520

RE: Denial of BellSouth's Central Office Code ("NXX") Assignment Request.

Dear Ms. Dixon:

On November 1, 2001, BellSouth Petitioned the Tennessee Regulatory Authority ("TRA") for Expedited Review of Growth Code Denial by the North American Numbering Plan Administration ("NANPA"), Docket No. 01-00957. BellSouth specifically requested the overturn of NANPA's denial, and order the issue of one growth code ("NXX") for the Chattanooga rate center in the 423 NPA.

BellSouth stated they requested a growth code in the 423 NPA in response to a request received from a customer, the University of Tennessee, Chattanooga ("UTC"), as they did not have sufficient numbering resources available to meet the customer's needs. BellSouth's also stated that the Chattanooga Rate Center's Months to Exhaust ("MTE") calculation was 31.88 months.

The TRA Staff ("Staff") verified that the MTE requirement six months cannot be met. Staff also verified that the Chattanooga rate center is a multiple switch rate center, and that the MTE has to be calculated on a rate center level rather than at switch level. Staff is also satisfied with the validity of UTC's request. In that the 423 NPA has a projected exhaust date for the 4<sup>th</sup> Quarter of 2004, and the current demands in the 423 NPA is 2.5 NXXs per month, it is unlikely that the assignment of one (1) NXX will have a material effect on the projected exhaust of the 423 NPA.

On November 20, 2001, the Directors of the Tennessee Regulatory Authority approved BellSouth's petition, and ordered the NANPA to issue BellSouth one growth code in the 423 NPA. The TRA Order will be provided once it is administratively processed.

Sincerely,

A handwritten signature in black ink, appearing to read "K. David Waddell".

K. David Waddell  
Executive Secretary

CC: Brent Struthers, NeuStar

Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-8953  
[www.state.tn.us/tra](http://www.state.tn.us/tra)

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

**DOCKET NO. P-55, SUB 1268**

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

**In the Matter of  
Petition of BellSouth Telecommunications, Inc.,  
for Review of NANPA Denial of Application  
for Numbering Resources**

**ORDER RULING ON THE  
BELLSOUTH PETITION**

**BY THE COMMISSION:** On March 6, 2001, BellSouth Telecommunication, Inc. (BellSouth) requested that the Commission review the North American Numbering Plan Administrator's (NANPA) decision denying the reservation of two central office codes (NXXs) in the 910 and 836 Numbering Plan Areas (NPAs). Reservation of one NXX was requested for Guilford County Government and one NXX was requested for Corning, Inc., from NANPA.

NANPA, in reaching its decision to deny the numbering resources, stated that BellSouth's Month-to-Exhaust worksheet shows that BellSouth has more than a six month supply of numbering resources in the two central offices which would be providing services to these customers, respectively. However, BellSouth stated that it does not have in its inventory 10,000 sequential numbers (i.e., one NXX) in each NPA available to meet the service requirement for these two customers.

There were no comments filed on this matter before the Commission.

WHEREUPON, the Commission now reaches the following

**CONCLUSIONS**

After careful consideration, the Commission concludes that NeuStar, Inc., as NANPA, should provide BellSouth the numbering resources needed to meet the needs of Guilford County Government and Corning, Inc. The Commission notes that BellSouth, as a telecommunications service provider, should be allowed to meet its specific customer requirements. Furthermore, the reservations of numbering resources in this instance represent identifiable and known market requirements. The Commission also recognizes that NANPA in reaching its decision must recognize and use industry guidelines to ensure consistent decision-making among all industry participants.

**IT IS, THEREFORE, ORDERED as follows:**

1. That NANPA shall provide BellSouth the numbering resources it needs to meet the service requirements for Guilford County Government and Corning, Inc.



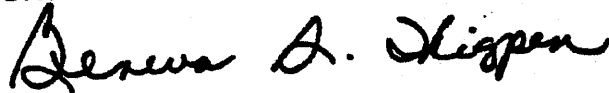
2. That the numbering resources assigned by BellSouth to Guilford County Government and Corning, Inc., shall be done in a sequential numbering manner to optimize these resources.

3. That these numbering resources shall be subject to reclamation if not used within the allowable reservation period according to industry guidelines.

ISSUED BY ORDER OF THE COMMISSION.

This the 10<sup>th</sup> day of April, 2001.

NORTH CAROLINA UTILITIES COMMISSION:

A handwritten signature in cursive script that reads "Geneva S. Thigpen".

Geneva S. Thigpen, Chief Clerk

040001.02

**WARNING:**

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# BEFORE THE FLORIDA PUBLIC SERVICE

## COMMISSION

In re: Petition for expedited review of North American Plan Administration's (NANPA) denial of application for use of central office code numbering resources or NXX codes in Orlando Magnolia switch by BellSouth Telecommunications, Inc.      DOCKET NO. 010309-TL  
ORDER NO. PSC-01-1146-PAA-TL  
ISSUED: May 21, 2001

**The following Commissioners participated in the disposition of this matter:**

E. LEON JACOBS, JR., Chairman J. TERRY DEASON LILA A. JABER BRAULIO L. BAEZ  
MICHAEL A. PALECKI

**NOTICE OF PROPOSED AGENCY ACTION ORDER DIRECTING NANPA TO PROVIDE BELL SOUTH WITH A GROWTH CODE FOR THE ORLDFLMADS1 SWITCH**

**BY THE COMMISSION:**

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, *Florida Administrative Code*.

• **BACKGROUND**

On January 24, 2001, BellSouth Telecommunications, Inc. (BellSouth) submitted an application to the North American Numbering Plan Administrator (NANPA) for a central office (NXX) code for the ORLDFLMADS1 switch in the Orlando rate center. The code request was made to fulfill a request made by a specific customer who is in need of 2,500 consecutive Direct Inward Dialing (DID) numbers in an NXX with a four as the last digit (NX4).

The Orlando rate center consists of six central offices and seven switches [(Azalea Park (ORLDLAPDS0), Colonial (ORLDLCLDS0), Magnolia (ORLDLFLMADS1 and ORLDLFLMA42E), Pinecastle (ORLDLFLPCDS0), Pinehills (ORLDLFLMADS0), and Sand Lake (ORLDLFLSADS0)]. On February 6, 2001, NANPA denied BellSouth's request for a NXX code for the ORLDLFLMADS1 switch because BellSouth had not met the rate center months-to-exhaust (MTE) criteria currently required to obtain a growth code. On March 9, 2001, BellSouth filed a petition for expedited review of NANPA's denial of its application.

We are vested with jurisdiction pursuant to Sections 364.01 and 364.16(4), *Florida Statutes*, and 47

U.S.C. §151, and 47 C.F.R. §52.15(g)(3)(iv).

## ANALYSIS

As mentioned above, BellSouth submitted an application to the NANPA for a NXX code for the ORLFLMADS1 switch in the Orlando rate center and was denied because BellSouth had not met the rate center MTE criteria currently required to obtain a growth code. Subsequently, BellSouth submitted a Petition to us for expedite review of NANPA denial of its application. In its prayer for relief, BellSouth requests us to review NANPA's denial and direct NANPA to release a growth code for the ORLFLMADS1 switch in the Orlando rate center.

Prior to March 31, 2000, carriers submitting an application for a growth code had to certify that existing codes associated with that switch, Point of Interface (POI), or rate center would exhaust within 12 months. In jeopardy Numbering Plan Areas (NPAs), applicants seeking a growth code had to certify that existing NXX codes would exhaust within six months.

Pursuant to Order No. FCC 00-104<sup>1</sup> applicants must now show the MTE criteria by rate center instead of by switch, and have no more than a six-month inventory of telephone numbers. Pursuant to 47 C.F.R. § 52.15(g)(3)(iii):

All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

We believe that the new MTE criteria creates a disadvantage for carriers with multiple switch rate centers because it is now based on rate centers, rather than switches. One switch in a multiple-switch rate center may be near exhaust while the average MTE for the rate center is above six months, thus preventing a carrier from obtaining a growth code for the switch near exhaust. For example, at the time of the NANPA denial of BellSouth's code request, the Orlando rate center MTE was 14.74 months with a 76.7% utilization level, while the MTE for the Magnolia-ORLDFLMADS1 switch was four months. BellSouth has stated that "Months-to-Exhaust criteria on a per rate center basis establishes a requirement that is difficult, and in some cases, impossible to meet."

We conclude that the code denial also poses a possible barrier to competition. A customer desiring service from BellSouth may have to turn to another carrier simply because BellSouth cannot meet the MTE rate center requirement. Another carrier who may have just one switch in the rate center, would have an advantage and may be able to obtain a growth code to provide the service. In Order No. DA 01-386<sup>2</sup>, the FCC stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of <sup>1</sup>Report and Order, CC Docket No. 99-200, In the Matter of Number Resource Optimization, Order No. FCC 00-104 (March 31, 2000) <sup>2</sup>DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (February 14, 2001) their choice for want of numbering resources.

FCC No. DA 01-386 at ¶11.

We find that another dilemma created with the new MTE rate center criteria is rate center consolidation. The FCC promotes rate center consolidation as a number conservation measure, and encourages states to consolidate rate centers wherever possible. The problem arises when you attempt to consolidate small rate centers which may have one switch and end up with one rate center with multiple switches. In Order No. FCC 00-429<sup>3</sup>, the FCC states:

Some ILECs suggest, however, that the utilization threshold should be calculated on a per-switch basis in rate centers that have multiple switches, particularly where they have not

deployed LNP capability. According to BellSouth, in the absence of thousands-block number pooling, numbers cannot be shared easily among multiple switches in the same rate center. They assert that there are technical constraints on their ability to share numbering resources among multiple switches within the same rate center and that a low utilization rate in one or more switches could prevent it from meeting the rate center utilization threshold. SBC argues in its comments that the utilization threshold should be calculated at the "lowest code assignment point" the rate center, where there is only one switch, or the switch, where there is more than one in a rate center.

Order No. FCC 00-429 at ¶ 32.

We believe that number pooling may assist in obtaining growth codes in a multiple switch rate center, however, BellSouth cannot support intra-service provider porting between switches until thousands-block pooling is implemented in the Orlando Metropolitan Statistical Area. The 407 NPA currently does not have a pooling trial, but new area code relief for this NPA has already begun with the initial industry planning meeting which took place April 3, 2001. Number pooling for this area, along with other number conservation measures for the 407 NPA, will be examined in that docket.

We note that two other state commissions have addressed NANPA's denial of growth codes. BellSouth included in its petition an order issued by the State of North Carolina Utilities Commission addressing NANPA's denial of two growth codes because BellSouth did not meet the new MTE rate center requirements.<sup>4</sup> BellSouth had two large customers, in need of NXX codes. One customer requested 10,000 sequential numbers, and the other customer needed to utilize approximately 6,000 numbers immediately for the establishment of a call center. The North Carolina Commission overturned NANPA's denial of the two NXX codes, and directed NANPA to provide numbers to meet the specific requests of Microsoft and Duke Energy.

The Public Service Commission of Wisconsin addressed a similar issue in its Docket 5-TK-101, Ameritech's Challenge of Neustar's Denial of a Request for a Central Office Growth Code at the Appleton Exchange, mailed December 22, 2000. In that case, Ameritech was denied a growth code because its MTE estimate was 7.4 months based on the rate center criteria, which is above the six month maximum MTE required by 47 C.F.R. § 52.15(g)(3)(iii). Ameritech requested the growth code to fulfill a request by two large customers who each wanted five-digit dialing for internal calls and specifically requested to have an eight as the third digit of the NXX code. In <sup>3</sup>Second Report and Order, Order on Reconsideration, CC Docket No. 99-200 and CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, et. al., Order No. FCC 00-429 (December 29, 2000) <sup>4</sup> State of North Carolina Utilities Commission, Order Granting Reserved Numbers, issued January 16, 2001, in Docket No. P-55, Sub 1250, In the Matter of Petition of BellSouth Telecommunications, Inc. for Review of NANPA Denial of Application for Numbering Resources. its Order, the Wisconsin PSC overturned NANPA's decision to deny a growth code, and directed NANPA to provide Ameritech with a growth code.

A procedure is available to carriers who are denied growth codes because of the rate center MTE requirement. Addressing NXX growth code denials, 47 C.F.R. § 52.15(g)(3)(iv), states, in part:

The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

BellSouth has provided us with the name of the customer requesting the 2,500 codes, copies of its NANPA application for a new growth code, copies of its MTE worksheet for the Orlando rate center, and copies of the Part 3 form from NANPA denying the code. We contacted BellSouth's proposed customer via telephone and verified that the customer wants BellSouth as its provider of service. We also verified with NANPA that there would be minimal impact on the 407 NPA by releasing a new growth code for this switch. We also reviewed the BellSouth utilization data for the ORLDFLMADS1 switch in the Orlando rate center to verify that BellSouth has no available codes to meet this specific customer's needs.

In evaluating BellSouth's petition, we have utilized the following factors and concluded that:

- 1) BellSouth has demonstrated that it has a customer in need of numbering resources;
- 2) BellSouth has shown that it is unable to provide services to a potential customer because of NANPA's denial of the NXX code;
- 3) There are potential competitive concerns because of the NANPA code denial since the potential customer cannot choose the provider of his choice; and,
- 4) There would be minimal impact to the 407 NPA by releasing a new growth code.

### CONCLUSION

Based on the foregoing, we find it appropriate to overturn NANPA's decision to deny a growth code, and direct NANPA to provide BellSouth with a growth code for the ORLDFLMADS1 switch as soon as possible. We also find that once the specific customer needs are met, BellSouth shall keep as many of the remaining blocks as possible in the new NXX uncontaminated for future number pooling.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that North American Numbering Plan Administrator shall provide BellSouth Telecommunications, Inc. with a growth code for the ORLDFLMADS1 switch in the Orlando rate center as soon as possible. It is further

ORDERED that BellSouth Telecommunications, Inc. shall maintain as many of the remaining blocks as possible in the new NXX uncontaminated for future number pooling once the specific customer needs are met. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, *Florida Administrative Code*, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of May, 2001.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: /s/ Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

*This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.*

( S E A L )  
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### NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), *Florida Statutes*, to notify parties of any administrative hearing that is available under Section 120.57, *Florida Statutes*, as well as

the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, *Florida Administrative Code*. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 11, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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## MEMPHIS MAIN

Exhibit H

NXX	Working Numbers	Utilization
227	10,000	100.00%
448	10,000	100.00%
495	6,877	76.36%
521	5,136	51.36%
522	4,759	52.87%
523	7,661	76.61%
524	8,246	82.46%
525	5,358	53.58%
526	5,378	53.78%
527	5,372	53.72%
528	5,517	55.17%
529	5,970	66.33%
531	7,000	100.00%
543	6,092	60.92%
544	6,348	63.48%
545	9,744	97.44%
572	6,265	78.09%
575	8,808	88.08%
576	8,947	89.47%
577	8,233	82.33%
578	6,844	68.44%
579	6,571	72.98%
678	10,000	100.00%
<b>Totals:</b>	165,126	74.71%